

STATEMENT OF [REDACTED]

CONDUCTED BY INVESTIGATOR HAYES

On October 28, 2011 at 7:26 PM

At the Independent Police Review Authority's Office

1 HAYES: This is the digitally recorded statement of [REDACTED]
2 [REDACTED] regarding Log number 1049622. Today is the
3 28th of November, I'm sorry 28th of October 2011.
4 It's approximately 7:26 in the evening and we are
5 at the Independent Police Review Authority's
6 Office at 10 West 35th Street. This is
7 Investigator Hayes, H-A-Y-E-S, Star number is
8 137. If you can say and spell your name for me.

9 [REDACTED]
10
11 HAYES: Okay um [REDACTED] before we get started uh do you
12 swear or affirm that everything you say in this
13 statement is true?

14 [REDACTED]: Yes.
15

16 HAYES: All right uh if I could get your date of birth
17 please?

18 [REDACTED]
19
20 HAYES: Okay. And what is your address?
21 [REDACTED]
22

23 HAYES: Okay and [REDACTED]
24 [REDACTED]
25

26 Yes.

27 HAYES: All right is there an apartment number there or
28 is that a house?

29 [REDACTED] It's an apartment [REDACTED]
30
31
32

33 HAYES: Al. Okay and what is your phone number?
34 [REDACTED]
35

1 HAYES: Okay and the uh ID you gave me today is your um
2 firearm owner identification card?
3 [REDACTED]: Yes.
4
5 HAYES: Okay and that has a different address in
6 University Park.
7 [REDACTED]: That's my current, I mean my past address.
8
9 HAYES: Okay. So you're --
10 [REDACTED]: I, I recently moved with, within six months.
11
12 HAYES: Okay so you're on the [REDACTED]
13 [REDACTED]: Yes.
14
15 HAYES: Okay um, we're here 'bout an incident that
16 happened on the 25th of October um which I believe
17 was Tuesday is that correct?
18 [REDACTED]: Yes.
19
20 HAYES: Okay and that you said that was at 11:45 at
21 night?
22 [REDACTED]: Yes.
23
24 HAYES: And that was right at the corner of 67th and
25 Maryland?
26 [REDACTED]: Yes.
27
28 HAYES: All right. If you can just uh start from the
29 beginning and tell me what happened.
30 [REDACTED]: I was driving down Cottage Grove and I made a
31 right on Cottage Grove, on 67th.
32

1 HAYES: Okay.

2 [REDACTED] To go towards Kimbark.

4 HAYES: And --

5 [REDACTED] Which is east of um --

7 HAYES: East of Cottage Grove?

8 [REDACTED] -- Cottage Grove. And that's when, I'm sorry.

10 HAYES: That's okay. Um, were you driving north on
11 Cottage Grove, then?

12 [REDACTED] Yes.

14 HAYES: Okay so you're driving north on Cottage Grove and
15 you turn --

16 [REDACTED] Right.

18 HAYES: -- right heading east on 67th.

19 [REDACTED] Yes.

21 HAYES: Okay.

22 [REDACTED] That's when I noticed the police stopped me. Now
23 they did stop me for usin' my cellular phone
24 cause I was on the phone drivin'.

26 HAYES: Okay.

27 [REDACTED] So when they stopped me he did ask me do I, do I
28 know what he stopped me for? I did say yeah
29 because of the phone. But then he asked me for
30 my ID, I give my ID and --

32 HAYES: Your driver's license?

1 [REDACTED]: And yes.

3 HAYES: Okay.

4 [REDACTED] So after that he asked me exit the vehicle. And
5 then his partner came around told me to put my
6 hands on top of the car and then he told me put
7 my hands behind my back. Put the handcuffs on me
8 and his partner the one that came to the door
9 first, start searchin' my car and the other
10 partner that had me handcuffed walked me to the
11 squad car and sat me in the back. While the
12 other partner was searchin' my car. Then the
13 other partner came back to the car um, wrote the
14 ticket for the --
15

16 HAYES: For the cell phone?

17 [REDACTED] -- cell phone.

19 HAYES: And this is the first officer who wrote the
20 ticket?

21 [REDACTED] Yes.

23 HAYES: Okay.

24 [REDACTED] He wrote the ticket and then they, I guess they
25 ran my information on the computer. And after
26 that they let me out the car. Um, he the officer
27 that wrote the ticket came around and asked me to
28 sign the ticket. I was tryin' to read it but his
29 partner kinda rushed me into signin' the ticket
30 like I, cause I, I didn't really know, I was
31 tryin' to figure out like what was, what was the
32 whole process of basically gettin' stopped for

1 bein' on the cell phone. So I asked him, he
2 didn't wanna explain it to me.
3
4 HAYES: And which, which one is, if you can just --
5 [REDACTED]: I'm sorry. There is a, I don't know if he was
6 Caucasian or Mexican.
7
8 HAYES: Okay.
9 [REDACTED]: So --
10
11 HAYES: And that's the one --
12 [REDACTED]: That's the one who wrote the ticket.
13
14 HAYES: Okay.
15 [REDACTED]: And there was 'nother black guy.
16
17 HAYES: Okay.
18 [REDACTED]: The black, black guy, black officer. It was the
19 black officer that said um, I, he said like it
20 was, it was a rush gesture like uh go ahead hurry
21 up sign the ticket.
22
23 HAYES: Okay.
24 [REDACTED]: And I was like um, I like to read it first.
25 Don't you read something before you sign it? And
26 he was like it's a ticket. And then signed it
27 and give it to me and I walk back to my vehicle.
28 When I walk back to my car everything in my side
29 panel and my glove compartment and my sun visors
30 were out. Everything was out the glove
31 compartment and everything was out the side
32 panels onto the seats.

1
2 HAYES: Now the side panel, do you mean that little like
3 in the door? Or what do you mean?
4 [REDACTED] Those, those two.
5
6 HAYES: Okay.
7 [REDACTED]: But I didn't really have much, I didn't really
8 have much on the driver's side. I had CD's on
9 the passenger side which were out. And on the
10 side in there, and so it's a arm rest basically.
11
12 HAYES: Oh like the center console?
13 [REDACTED] Yes it's in the arm rest.
14
15 HAYES: Okay.
16 [REDACTED] It comes up. It's two, it's two layers, it's a
17 bottom layer and the top layer and it comes up
18 and I have papers in it. All of it was out.
19
20 HAYES: Okay.
21 [REDACTED] It's basically showin' that the searched.
22
23 HAYES: Okay. Did they damage the car at all or --
24 [REDACTED] No.
25
26 HAYES: Okay. So they searched it. Okay. Um, okay and
27 then did you just leave at that point or did they
28 leave or --
29 [REDACTED] They, they left.
30
31 HAYES: Okay.

1 [REDACTED] I, I uh I sat there for a second uh fix my stuff
2 and then I left.
3
4 HAYES: Okay. Do you have the um, the citation they gave
5 you? Do you have that with you?
6 [REDACTED] I don't have it with me.
7
8 HAYES: Okay.
9 [REDACTED]: Now but I do have it.
10
11 HAYES: Okay. Do you think we could get a copy of that?
12 [REDACTED]: Yes.
13
14 HAYES: Um, what kinda ticket was it? Was it a, a like a
15 traffic ticket or a, another kinda ticket?
16 [REDACTED] It's a long ticket, it's kinda long. I don't
17 know the difference between the traffic tickets
18 and this --
19
20 HAYES: Okay so it's a long ticket so you'd read it like
21 this --
22 [REDACTED]: Yes.
23
24 HAYES: But vertically as opposed to the traffic ticket
25 which would be sideways.
26 [REDACTED] Yes.
27
28 HAYES: Okay so um, those are uh ordinance violation,
29 does it say notice of ordinance violation on
30 there --
31 [REDACTED] Yeah it's, that's what it said on it.
32

1 HAYES: Okay. Um so yeah if you can either, if you can
2 find, or get us a copy of the ticket that would
3 be great. Um, otherwise if you can call us with
4 the, the number of the citation.

5 [REDACTED] Yes I, I, I can bring a copy.

6
7 HAYES: Okay. Okay that would be great. Um, all right.
8 Now which officer is it that handcuffed you?

9 [REDACTED] The black one. The black male, I'm sorry to say
10 black male.

11
12 HAYES: That's fine.

13 [REDACTED] The black male.

14
15 HAYES: The black male officer. Okay. Um, and which one
16 was it that was the first one that came to the
17 car?

18 [REDACTED] The um, I, I, Caucasian one.

19
20 HAYES: Okay so and you said he's either white or
21 Hispanic?

22 [REDACTED] Yeah.

23
24 HAYES: Okay. Uh so he's the first one who comes up --

25 [REDACTED] Approached the vehicle.

26
27 HAYES: Uh and he's the one who tells you to get outta
28 the car?

29 [REDACTED]: Yes.

30
31 HAYES: Okay. Um and what kinda car were you driving?

32 [REDACTED]: [REDACTED]

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HAYES: [REDACTED]

[REDACTED]: Yes.

HAYES: Um is that what kinda car is that? Is that like a sedan or a SUV?

[REDACTED]: [REDACTED]

HAYES: Okay. (inaudible) very well. Um all right so he tells you to get outta the car and then it's his partner who handcuffs you?

[REDACTED]: Yes.

HAYES: All right. And then when you wrote in your complaint on the Internet you said that they, he threw you into the back seat of the car?

[REDACTED]: I, I did fill that out. I asked 'em I'm like um, cause I asked 'em, I tried to ask 'em questions as the whole thing went on, but I didn't wanna get real disrespectful because I've heard stories about I, I mean, I just try to be safe more safe than anything and just be calm. But I just didn't like the way he handled me from handcuffin' me from beginnin' and puttin' me into that squad car. I even asked 'em is the seat supposed to be this hard? So I never been, I never been in that type of situation.

HAYES: Okay.

[REDACTED]: So --

HAYES: Did they tell you why they were handcuffing you?

1 [REDACTED]: No.

2

3 HAYES: Okay. All right and when he like when he threw
4 you in the back seat of the car, do you like
5 physically threw you or you're just sayin' like
6 he told you to get in. How, how did that --

7 [REDACTED]: I would say to the door I felt force but I got in
8 myself.

9

10 HAYES: Okay.

11 [REDACTED]: He didn't physically, he didn't push me in. I
12 got in myself.

13

14 HAYES: Okay so he, um but --

15 [REDACTED]: I was --

16

17 HAYES: -- like escorted you to the door?

18 [REDACTED]: Yes.

19

20 HAYES: Okay. All right. Uh can I get a description of
21 the two officers from you?

22 [REDACTED]: Okay I can, I, I remember the Caucasian one
23 pretty well. He, he was kinda bald um, --

24

25 HAYES: Is he tall or short?

26 [REDACTED]: Lil, lil bit taller than me so I would say like
27 five ten or maybe six.

28

29 HAYES: Okay how tall are you?

30 [REDACTED]: Five nine.

31

32 HAYES: Five nine so he's --

1 [REDACTED] He was a lil bit taller than me.
2
3 HAYES: Just a few inches taller, okay. Um is he fat,
4 skinny?
5 [REDACTED] Um skinny. Not real skinny but you know average
6 man size.
7
8 HAYES: Okay. Average okay skinny to average.
9 [REDACTED] Hmm huh.
10
11 HAYES: All right and then how 'bout the other officer?
12 [REDACTED] He was like, he had to be like six one. He was a
13 lil bit tall. Black male.
14
15 HAYES: Okay.
16 [REDACTED] And he was 'bout normal man size too.
17
18 HAYES: Okay. All right and then um, let's see oh you
19 gave us his uh the star number?
20 [REDACTED] Hmm huh. That was on the ticket.
21
22 HAYES: That was on the ticket. Okay and --
23 [REDACTED] So --
24
25 HAYES: -- and it was the, the white officer's the one
26 who wrote the ticket?
27 [REDACTED] Yes.
28
29 HAYES: Okay. All right and I know I asked, I can't
30 remember what you said, did you, did they tell
31 you why they were handcuffing you?
32 [REDACTED] No.

1

2 HAYES: And did he say why he wanted you in the back seat
3 of the car?

4 [REDACTED] No.

5

6 HAYES: It was just, your kinda rushed this whole time?

7 [REDACTED]: Hmm huh.

8

9 HAYES: Yeah.

10 [REDACTED] And they didn't even tell me why they searched my
11 car either.

12

13 HAYES: Did they ask your permission to search the car?

14 [REDACTED]: No.

15

16 HAYES: Okay. Um and when they said you know why we
17 stopped you and you said yes cause I was on my
18 cell phone, did he say they stopped you for any
19 other reason?

20 [REDACTED]: No.

21

22 HAYES: It was just the cell phone?

23 [REDACTED] Just the cell phone.

24

25 HAYES: And the only ticket you got was for talkin' on
26 your cell phone?

27 [REDACTED]: Yes.

28

29 HAYES: Okay. Um, was anything damaged in your car?

30 [REDACTED]: No.

31

1 HAYES: Okay. So everything's pulled out of the center
2 console, glove compartment --
3 [REDACTED] Side panels on the doors.
4
5 HAYES: -- the side panels on the doors, okay. Anything
6 missing?
7 [REDACTED] Not that I know of, no.
8
9 HAYES: Okay. And where was everything was it on the
10 seat or on the floor?
11 [REDACTED] On the seat and the floor. Stuff that was in the
12 glove compartment was on the floor. Stuff that
13 was on the side panels on the seats, passenger
14 and driver's side.
15
16 HAYES: Okay. Um, and they never, never said why they
17 were searchin' the car or anything like that?
18 [REDACTED] No.
19
20 HAYES: Did he say why he wanted you to get outta the car
21 in the first place?
22 [REDACTED] No.
23
24 HAYES: Just said step outta the car?
25 [REDACTED]: Yes.
26
27 HAYES: All right. Um, was anybody else in the car with
28 you?
29 [REDACTED] No.
30
31 HAYES: All right did you see anybody stand out in the
32 street or anything like that?

1 [REDACTED] There was a man as actually a man did walk up and
2 uh partner, the black guy walked to him, stood,
3 asked, I, I don't know what question he asked
4 'em, I didn't hear it, I didn't focus on that,
5 but I did see a man. And also another squad car
6 came up. They said hi or whatever and kept
7 goin'.

8
9 HAYES: Okay. Uh, all right. What, what's there at 67th
10 and Maryland? Is that like houses or is there
11 stores or --

12 [REDACTED] Um, on the right goin' eastbound there's a
13 cemetery. You know on the left is buildin's,
14 apartment buildin's.

15
16 HAYES: Apartment buildings, okay. So you have an
17 apartment buildings on like the north side of the
18 street.

19 [REDACTED] Hmm huh.

20
21 HAYES: And then cemetery on the south side. Okay. And
22 so you pulled up next to the, the cemetery?

23 [REDACTED] Yes.

24
25 HAYES: And you said you were right under the sign that
26 said Maryland?

27 [REDACTED] Yes.

28
29 HAYES: Okay. All right is there anything else you wanna
30 add to your statement?

31 [REDACTED] (pause) Uh no. No ma'am.

1 HAYES: Okay. Anything else that um you remember that we
2 haven't talked about?

3 [REDACTED] (pause) No.
4

5 HAYES: Okay. The officers were they uh both in uniform?

6 [REDACTED] Yes.
7

8 HAYES: And were they in a regular squad car or an SUV?

9 [REDACTED] Yes.
10

11 HAYES: Regular squad car.

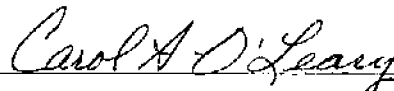
12 [REDACTED] Regular squad car.
13

14 HAYES: Okay. All right do you have any injuries from
15 anything?

16 [REDACTED] No.
17

18 HAYES: All right. Uh then this concludes the digitally
19 recorded statement of [REDACTED] regarding Log
20 number 1049622 and the time is 7:38.

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2
3
4
5 I, CAROL A. O'LEARY, do hereby certify or affirm that
6 I have impartially transcribed the foregoing from an audio
7 recording of the above-mentioned proceeding to the best of
8 my ability.
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Carol A. O'Leary